

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re) Chapter 7
) Case No. 17-04982
Russell B. Hart,)
) Honorable Janet S. Baer
) (Geneva)
Debtor.) Hearing Date: December 1, 2017
) Hearing Time: 11:00 a.m.

COVER SHEET FOR APPLICATION FOR
PROFESSIONAL COMPENSATION

Name of Applicant: Elizabeth C. Berg, Trustee

Authorized to Provide
Professional Services to: Estate

Date of Order Authorizing
Employment: February 21, 2017

Period for Which
Compensation is sought: March 15, 2017 to Close of Case

Amount of Fees sought: \$2,000.00

Amount of Expense
Reimbursement sought: \$0.00

This is an: Interim Application _____ Final Application X

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date Filed</u>	<u>Period Covered</u>	<u>Total Requested (Fees & Expenses)</u>	<u>Total Allowed</u>
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The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$0.00.

Dated: October 31, 2017

Elizabeth C. Berg, Trustee of the Estate of
Russell B. Hart, Debtor

By: /s/Elizabeth C. Berg, Trustee
Elizabeth C. Berg, Trustee

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)	Case No. 17-04982
Russell B. Hart,)	Honorable Janet S. Baer
)	(Geneva)
Debtor.)	Hearing Date: December 1, 2017
)	Hearing Time: 11:00 a.m.

**Application for Allowance and Payment of Final Compensation
of Elizabeth C. Berg, as Trustee**

Elizabeth C. Berg, not personally but solely as trustee ("Trustee") of the estate ("Estate") of Russell B. Hart, debtor ("Debtor"), pursuant to sections 326 and 330 of title 11, United States Code ("Code"), requests this Court to enter an order allowing and authorizing payment to Trustee of (1) \$2,000.00 as final compensation for services rendered as trustee in this case from February 21, 2017 through the close of this case. In support thereof, Trustee states as follows:

Introduction

1. The Debtor commenced this case on February 21, 2017 ("Petition Date") by filing a voluntary petition for relief under chapter 7 of the Code.
2. Elizabeth C. Berg is the duly appointed, qualified and acting chapter 7 trustee in this case.
3. As of the commencement of this case, the assets of the Estate are equity in a variety of personal property items including a 2003 GMC Suburban, 2008 Mercedes E350, 2007 Nissan Murano, several guns, a Rolex watch and a potential claim against the Debtor under the Right of Married Persons Act ("Property").
4. The bar date for filing non-governmental claims in this case was August 22, 2017 and the bar date for filing governmental claims was August 21, 2017.

Prior Compensation and Expense Reimbursement

5. This is the first and final application ("Application") for allowance of compensation filed by Trustee in this case.

6. Trustee has not previously received or been promised any payments for services rendered or to be rendered or expenses incurred in this case.

Services Rendered by Trustee

7. Since her appointment in this case, Trustee has performed actual, necessary and valuable services on behalf of the Estate. Itemized billing statements describing the Trustee's services from the date of appointment through the close of the case are attached hereto as Exhibit A. The services rendered by Trustee since her appointment in this case include but are not limited to the following:

A. Trustee reviewed and analyzed the Debtor's Schedules of Assets and Liabilities; the Debtor's Statements of Financial Affairs; and conducted an examination of the Debtor pursuant to Section 341 of the Code;

B. Trustee prepared and served a document request on the debtor to find out pertinent information regarding Property owned by the Debtor. Trustee analyzed CarMax appraisals, an insurance rider and other appraisals produced by the Debtor. Furthermore, Trustee researched and analyzed the estate's interest in a potential claim against the Debtor under the Right of Married Persons Act. Trustee determined there to be equity in the Property and negotiated with the Debtor to settle the potential claim and the non-exempt equity in the Property. Trustee ultimately reached an agreement to settle with the Debtor for \$12,500.00. Trustee collected funds in the amount of \$12,500.00. Furthermore, Trustee also prepared her Final Report and this Final Fee Application;

C. Trustee invested and accounted for all funds received by the Estate and set up and maintained all bank accounts for the Estate;

D. Trustee set up and maintained a computerized case management system for the Estate in order to efficiently keep track of records relating to the Estate's case history, assets, claims and banking activities;

E. Trustee examined, analyzed and verified proofs of claim filed against the Estate including the validity of a claim filed against the Estate; and

F. Trustee otherwise administered this Estate and directed the allocation, liquidation and distribution of assets to creditors herein.

Funds Collected and Disbursed by Trustee

8. Trustee has collected the sum of \$12,500.00 on behalf of the Estate. Trustee has made \$15.00 in disbursements in this case as of the date hereof.

9. Copies of the *Form 1 Individual Estate Property Record and Report* and *Form 2 Cash and Receipts Record* showing the disposition of the assets of this Estate are attached to the Trustee's Final Report, filed simultaneously herewith, as Exhibits A and B, respectively.

Compensation Requested

10. During the period covered by this Application, Trustee spent 16.00 hours rendering services on behalf of this Estate with a value of \$4,513.00. Trustee estimates that she will spend an additional three hours rendering services with a value of \$675.00 to obtain approval of the final report, make a final distribution to creditors and prepare and file her final account.

11 The maximum compensation allowable to Trustee pursuant to section 326 of the Code, based upon the receipts and disbursements listed above, is \$2,000.00 as follows:

25% of the first \$5,000.00	\$1,250.00
10% of the next \$7,500.00	<u>\$ 750.00</u>
 Total allowable compensation	 \$2,000.00

12. Based upon the caliber of the services rendered by Trustee, Trustee requests allowance and payment of final compensation for her services rendered as trustee from the time of her appointment through the closing of this case in the amount of \$2,000.00. This amount represents reasonable compensation for the services rendered by Trustee and is equal to the maximum compensation allowable as set forth in paragraph 11 above.

13. After payment of the Estate's administrative expenses, as requested, Trustee anticipates that there will only be funds available to make a distribution to the unsecured creditor.

14. An affidavit pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure, executed by Elizabeth C. Berg, as trustee, is attached hereto as Exhibit B.

15. Trustee requests that the compensation requested herein be paid from the Estate funds in her possession.

Status of the Case

16. The Trustee has liquidated or abandoned (or sought to abandon) all of the assets belonging to this Estate and completed her review and analysis of the claims filed against the Estate.

17. Trustee has completed and filed her Final Report simultaneously herewith.

WHEREFORE, Elizabeth C. Berg, as trustee of the Estate of Russell B. Hart, Debtor requests the entry of an order providing the following:

A. Allowing to Trustee final compensation in the amount of \$2,000.00 for actual and necessary professional services rendered and to be rendered on behalf of this Estate from February 21, 2017 through the closing of this case;

B. Authorizing the Trustee to pay the amount awarded from the Estate funds held by the Trustee as part of her final distribution in this case;

C. For such other and further relief as this Court deems appropriate.

Dated: October 10, 2017

Elizabeth C. Berg, as trustee of the estate of
Russell B. Hart, debtor

By: /s/ Elizabeth C. Berg, as Trustee
Elizabeth C. Berg

Elizabeth C. Berg
20 N. Clark St., Suite 200
Chicago, IL 60602
(312) 726-8150

Trustee's Itemized Billing Statements

Exhibit A

Baldi Berg, Ltd.
20 N. Clark Street
Suite 200
Chicago, IL 60602

Phone: (312) 726-8150

Fax: (312) 470-6323

FEIN: 36-4352753

Invoice submitted to:

October 11, 2017

Invoice No: 02988

Elizabeth C. Berg, Trustee
 Baldi Berg, Ltd.
 20 N. Clark Street
 Suite 200
 Chicago, ILLINOIS 60602

In Reference to: *Hart - Trustee Matters*

Professional Services

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Charges</u>
3/15/2017	ECB	Review petition and investigate debtor and solely owned printing corp (1.5) Memo to file (.2) TC with debtor's attorney Rich Larsen re non-exempt assets and case background (.3)	2.00 \$325.00/ hr	\$650.00
3/24/2017	ECB	Review 341 Notes and prep memo to file re same (.7) Prepare document request for additional info and dox (.3) Corres to R. Larsen re same (.1) Run and review Lexis report on debtor's assets (.3)	1.40 \$325.00/ hr	\$455.00
4/13/2017	ECB	Review file and status of response to TR document/info request (.2) Cores to and from R. Larson re same (.1)	0.30 \$325.00/ hr	\$97.50
4/27/2017	ECB	Review dox produced by Debtor, including carmax appraisals, insurance rider and other personal property appraisals (.5) Review schedules re exemptions and liens in same (.2) Compile list of non-exempt personal for administration (.2) Conduct legal research re non-debtor spouse goods and chattels (.7)	1.60 \$325.00/ hr	\$520.00
4/28/2017	ECB	Review Kaiser opinion re marital gifts and validity of same with respect to third party creditors	0.50 \$325.00/ hr	\$162.50

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4/28/2017	ECB	Corres to Debtor's counsel to schedule conference re disposition of personal property	0.10 \$325.00/ hr	\$32.50
5/01/2017	ECB	Review debtor dox re asset purchase of CPR Printing assets (.8) TC with Rich Larsen re personal property and Ebner v. Kaiser case (.2)	1.00 \$325.00/ hr	\$325.00
5/02/2017	ECB	Additional legal research re validity of spousal gifts against third parties under Illinois Married Persons Act	0.30 \$325.00/ hr	\$97.50
5/03/2017	JMM	Open new case file and jacket, update master file for preparation of new case file	0.00 \$185.00/ hr	\$0.00
5/04/2017	JMM	Draft email to Account re: App to employ Accounts, affidavit, creditors list	0.20 \$185.00/ hr	\$37.00
5/05/2017	ECB	Review approve and file TR Motion to Hire Acct	0.30 \$325.00/ hr	\$97.50
5/11/2017	ECB	Review fill and memo to Ds counsel re status of negotiations for liquidation of non-exempt personal property	0.20 \$325.00/ hr	\$65.00
5/15/2017	JMM	File Asset Report	0.10 \$185.00/ hr	\$18.50
6/07/2017	ECB	Review file and memo to Rich Larsen, debtor's attorney re status of negotiations for purchase of estate equity in various assets	0.20 \$325.00/ hr	\$65.00
6/15/2017	ECB	Exchange emails with Debtor's counsel re status of negotiations to settle Estate's claim v. marital property	0.20 \$325.00/ hr	\$65.00
6/20/2017	ECB	Multiple email exchanges with Ds attorney on settlement negotiations for non-exempt personal property (.5) Review again property values (.2)	1.00 \$325.00/ hr	\$325.00

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6/28/2017	ECB	Email exchange with debtor's counsel re status of negotiations to settle non-exempt equity in personal property	0.20 \$325.00/ hr	\$65.00
7/07/2017	ECB	TC Rich Larsen to finalize agreement for sale of personal property back to Debtor .1) Memo to file re same (.1)	0.20 \$325.00/ hr	\$65.00
7/13/2017	ECB	Confer with JDL re terms of settlement/sale of assets to Debtor and prep of letter agreement for same (.2) Approve, execute and transmit Letter agmt to R. Larsen (.3)	0.30 \$325.00/ hr	\$97.50
7/20/2017	ECB	Review, revise and approve TR Motion to Settle (.2) Revise Order Approving Same (.2)	0.40 \$325.00/ hr	\$130.00
7/31/2017	ECB	Corres to Ds counsel re status of signed letter agreement	0.10 \$325.00/ hr	\$32.50
8/15/2017	JMM	Draft letter to Debtor's Counsel re: order entered, request for funds turnover	0.70 \$185.00/ hr	\$129.50
8/28/2017	ECB	Review claims and case docket in connection with case closing	0.30 \$325.00/ hr	\$97.50
8/30/2017	JMM	Request EIN from IRS (.1), Open new bank account in IQ7 and deposit check into Receipts Log (.1), Allocate settlement funds on deposit (.1), Deposit check into TCB via bank scanner (.1)	0.40 \$185.00/ hr	\$74.00
9/12/2017	ECB	Open, review and approve Aug 17 bank statement	0.10 \$325.00/ hr	\$32.50
9/12/2017	JMM	Process August 2017 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$185.00/ hr	\$37.00

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9/22/2017	ECB	Review case status and update form 1 notes for annual report to UST	0.10 \$375.00/ hr	\$37.50
10/03/2017	JMM	Draft email to Lois re: need for tax returns in case (.2), Review filed claim and update system with information needed to prep TFR and NFR (.3)	0.50 \$195.00/ hr	\$97.50
10/03/2017	JMM	Draft Trustee Fee Application (1.1), Prep coversheet, affidavit and proposed order (.3), Prepare TFR (.8), and NFR (.2), Review and edit TR Final Report Package (.4)	2.60 \$195.00/ hr	\$507.00
10/04/2017	RKP	Review case file (.1); update system information for TIR (.3)	0.40 \$195.00/ hr	\$78.00
10/09/2017	RKP	Review Form 1 for 2017 TIR; email to E. Berg re: same	0.10 \$195.00/ hr	\$19.50
				<hr/>
				Total Fees \$4,513.00
				<hr/>
				Total New Charges \$4,513.00
				<hr/>
				Previous Balance \$0.00
				<hr/>
				Balance Due \$4,513.00
				<hr/>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
Elizabeth C Berg	10.70	\$325.00
Elizabeth C Berg	0.10	\$375.00
Jason M Manola	1.60	\$185.00
Jason M Manola	3.10	\$195.00
Ricki K Podorovsky	0.50	\$195.00
	<u>16.00</u>	

Rule 2016 Affidavit

Exhibit B

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re)	Chapter 7
)	
Russell B. Hart,)	Case No. 17-04982
)	
Debtor.)	Honorable Janet S. Baer

Trustee's Affidavit Pursuant to Rule 2016

State of Illinois)
County of Cook)

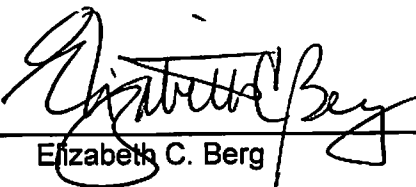
I, Elizabeth C. Berg, being first duly sworn upon oath, do depose and state as follows:

1. I am the duly appointed, qualified and acting trustee in this case and I have personal knowledge of the facts set forth herein.

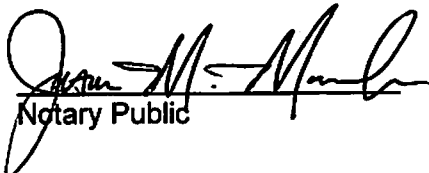
2. I have read the First and Final Application for Allowance and Payment of Compensation of Elizabeth C. Berg, as trustee ("Application") and all of the factual matters set forth therein are true to the best of my knowledge, information and belief. I or my agents pursuant to my direction performed the services and incurred the expenses set forth and described in the Application.

3. I have not entered into any agreement with any other person or persons for the sharing of compensation or expense reimbursement to be received for services rendered or expenses incurred in connection with this matter, except among the partners and associates of Baldi Berg, Ltd. a law firm at which I have been employed during the pendency of this case. I have not previously received payment of any compensation for services rendered or expense reimbursement for expenses incurred in connection with this case.

4. Further affiant sayeth naught.


Elizabeth C. Berg

Subscribed and sworn to before me
on October 11th, 2017


Notary Public

